

MINUTES
EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, February 26, 2013

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Catherine Emmanuelle, Kerry Kincaid, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, and Andrew Werthmann. Absent: Council Member David Klinkhammer.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, February 26, 2013. Upon Council request, Item No. 11, Resolution authorizing Tangled Up in Hue to conduct an Artist Market every other Saturday during the summer beginning May 18, 2013 at Phoenix Park, was removed from the Consent Agenda to allow a separate discussion and vote. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt the remainder of the consent resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden to amend Item No. 14, Resolution appointing the City’s Finance Director as the City’s Joint Review Board Representative, “to specifically add ‘Rebecca Noland’, the name of the Finance Director, to the resolution”. Said motion was accepted as a friendly amendment. The Council then voted on the consent agenda (minus Item No. 11). The Consent Agenda was adopted by unanimous vote.

SPECIAL EVENT

The City Council considered a resolution authorizing Tangled Up in Hue to conduct an Artist Market every other Saturday during the summer beginning May 18, 2013 at Phoenix Park. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Kincaid, Mitchell, Pavelski, Von Haden, Vue, and Werthmann. Nay: Council Member Olson.

PROCLAMATION

Council President Kincaid, on behalf of the City Council, proclaimed March 5, 2013 as TRIO Day in the City of Eau Claire to recognize the program’s work to motivate, assist, retain and graduate first-generation college students.

Council President Kincaid, on behalf of the City Council, proclaimed March 29, 2013 as Vietnam Veterans Recognition Day in the City of Eau Claire in an effort to commemorate the service and sacrifices of all Vietnam Era Veterans.

LICENSES

The City Council considered a resolution granting a Temporary Class B Fermented Malt Beverage license to Eau Claire Rod & Gun Club, Jason Berry, president, on March 15-17, 2013, at Eau Claire Indoor Sports Center, 3456 Craig Road for a Wisconsin Sport Show. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Duax "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to The Kiwanis Club of Eau Claire, Tom Breneman, president, on April 9, 2013, at 220 S. Barstow St. for the 3rd Annual Celebrity Art Auction. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Mitchell "to adopt said resolution". Said motion passed by unanimous vote.

SPECIAL EVENT

The Council considered a resolution authorizing the Leader Telegram to conduct the Taste of Home Cooking School on Saturday, April 27, 2013 at the Hobbs Municipal Ice Center. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue "to adopt said resolution". Said motion passed by unanimous vote.

Council President Kincaid passed the gavel to Vice President Duax.

EAU CLAIRE PUBLIC SPIRIT FUND

The City Council considered a resolution approving the establishment of the Eau Claire Public Spirit Fund through the Eau Claire Community Foundation. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle "to adopt said resolution". Said motion passed by unanimous vote.

Vice President Duax returned the gavel to Council President Kincaid.

HAZ MAT

The Council considered a resolution adopting the Federal Emergency Management Agency (FEMA) approved hazard mitigation plan. Thereupon a motion was offered by Council Member Pavelsik and seconded by Council Member Mitchell "to adopt said resolution". Said motion passed by unanimous vote.

ELECTION WARDS

The City Council considered a resolution creating new election wards within the city of Eau Claire. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle "to adopt said resolution". Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Balow "to remove the references to Ward 59 from the resolution". Said motion to amend was approved by a voice vote. The

Council then voted on the resolution as amended. Said motion to adopt the resolution passed by unanimous vote.

TAX CREDIT REMITTANCE

The Council considered a resolution authorizing a request to the Wisconsin Department of Administration to remit the school tax, lottery and gaming and first dollar credits directly to the City. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

VINEYARD PRAIRIE PLAT & SUBDIVISION

The City Council considered a resolution approving the final plat for Vineyard Prairie located on the north side of Cameron Street, west of Hazeltine Drive, as shown on Planning File P-1-13. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing the City Manager to enter into a development agreement with Kent Homes, Inc., for the construction of street and utility improvements within Vineyard Prairie Subdivision. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution indicating the location of required sidewalk construction within Vineyard Prairie Subdivision. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

LIGHTING EASEMENTS

The City Council considered a resolution accepting the conveyance of five permanent lighting easements along Golf Road between London Road and Royal Drive. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

AGREEMENT

The Council considered a resolution approving an Intergovernmental Cooperative Agreement with the Town of Washington for street improvements on London Road, from Clairemont Avenue to 350 feet south of Henry Avenue. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote.

STREET & SIDEWALK IMPROVEMENTS

The City Council considered a Final Resolution approving the project and levying special assessments for street improvements on the following streets:

- E. Hamilton Avenue, Cummings Avenue to Rudolph Road (13-202)
- W. Hamilton Avenue, Stein Boulevard to Craig Road (13-203)
- Michaud Street, Sundet Road to 560 feet south (13-205)
- Brookline Avenue, Deerfield Drive to Clearwater Ridge Drive (13-201)
- Northwoods Lane, Brookline Avenue to McKinley Road (13-206)
- London Road, E. Clairemont Avenue to 346 feet south of Henry Avenue (13-204)
- Vine Street, Eleventh Street to N. Clairemont Avenue (13-207).

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- E. Hamilton Avenue, Cummings Avenue to Rudolph Road (13-202)
- W. Hamilton Avenue, Stein Boulevard to Craig Road (13-203)
- Brookline Avenue, Deerfield Drive to Clearwater Ridge Drive (13-201)
- Northwoods Lane, Brookline Avenue to McKinley Road (13-206)
- London Road, E. Clairemont Avenue to 346 feet south of Henry Avenue (13-204)
- Vine Street, Eleventh Street to N. Clairemont Avenue (13-207)

Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Mitchell “to adopt said resolution”. Said motion passed by unanimous vote.

The City Council considered a Final Resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Venus Avenue, Virginia Lane to Edgewood Lane (13-115)
- Conrad Street, Zephyr Hill Avenue to 210 feet west of Zephyr Hill Avenue (13-103)
- Evergreen Street, Somona Parkway to Valley View Place (13-105)
- Somona Parkway, Starr Avenue to Evergreen Street (13-111)
- Valley View Place, Starr Avenue to Evergreen Street (13-114)
- Mountain View Place, Hastings Way N. Frontage Road E. to Mt. Nemo Avenue (13-109)

Council Members requested that that Project 13-109, Mountain View Place, Hastings Way N. Frontage Rd E. to Mt. Nemo Avenue be removed from the resolution and voted upon separately. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell “to adopt said resolution”. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “approving the project and levying special assessments for street and utility improvements on Mountain View Place, Hastings Way N. Frontage Rd E. to Mt. Nemo Ave (13-109). Said street shall be constructed to a width of 26 feet and sidewalk is deferred on both sides of the street due to topography”. Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Mitchell Pavelski, Von Haden and Werthmann. Nay: Council Members Balow, Duax, Olson and Vue.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Venus Avenue, Virginia Lane to Edgewood Lane (13-115)
- Evergreen Street, Somona Parkway to Valley View Place (13-105)
- Somona Parkway, Starr Avenue to Evergreen Street (13-111)
- Valley View Place, Starr Avenue to Evergreen Street (13-114)

Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

ANNEXATION

The Council considered an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District, that part of Lot 2 of 2nd Assessor’s Plat to the Town of Washington, and part of S.T.H 93, all located in the SE¼ -NW ¼ of Section 34-27-9, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 13-2A (Teigen petition, 3540 Mall Drive). Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Mitchell “to postpone consideration of said ordinance until the March 12, 2013 City Council meeting”. Said motion to postpone failed on the following vote: Aye: Council Members Kincaid, Mitchell, Von Haden and Vue. Nay: Council Members Balow, Duax, Emmanuelle, Olson, Pavelski and Werthmann. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden “to adopt said ordinance”. Said ordinance failed on the following tie vote: Aye: Council Members Emmanuelle, Kincaid, Mitchell, Von Haden, and Vue. Nay: Council Members Balow, Duax, Olson, Pavelski, and Werthmann.

TRANSIT COMMISSION MEMBERSHIP

The City Council considered a Charter Ordinance to amend Section 2.60.020 of the Code of City Ordinances, entitled "Membership--Terms--Qualifications" regarding the Transit Commission. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Olson “to adopt said ordinance”. Thereupon a motion was offered by Council Member Duax and seconded by Council Pavelski “to refer the Charter Ordinance to a Special Committee on Transit Governance consisting of three to five (3 to 5) members selected from the Commission and the City Council by the Council’s Advisory Committee on Appointments with the following charge:

1. The committee shall review said ordinance, all of Chapter 2.60 of the City Code, and the related sections of Code to clarify the existing powers and duties of the Transit Commission.
2. The committee shall review current Wisconsin Statutes Section 66.1021 to see what modifications of said law are permitted under city home rule law.
3. The Committee shall review the objectives in governance that need to be achieved by the Transit Commission and addressed, and propose options for the consideration of the City Council in preparing amendments to Chapter 2.60 of the Code to address those governance objectives.
4. The committee shall report to the Council no later than July 1, 2013.”

Said motion passed by the following vote: Aye: Council Members Balow, Duax, Emmanuelle, Kincaid, Olson, Pavelski, Von Haden, Vue, and Werthmann. Nay: Council Member Mitchell.

STREET NAME CHANGE

The City Council had first reading on an ordinance to change the name of Epiphany Lane to Calvary Crossing, from Folsom Street to Truax Boulevard.

ADJOURNMENT

A motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: February 26, 2013

Time: 6:57 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk